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10/662,964	09/12/2003	Vijay V. Sarashetti	200600636-1	1087

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

VO, TRUONG V

ART UNIT	PAPER NUMBER
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2169

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No. 10/662,964	Applicant(s) SARASSETTI, VIJAY V.	
	Examiner TRUONG V. VO	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/12/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed December 19, 2008.

Response to Arguments

2. Applicant's arguments filed December 19, 2008 have been fully considered but they are not persuasive. Applicant argued:

a) The combination of Anderson and Simonetti fails to teach or suggest "assigning a unique identifier to the record stored at the record collection site."

b) The combination of Anderson and Simonetti fails to teach or suggest "entering the unique identifier in a hierarchical tree structure."

Examiner respectfully disagrees with applicant's assertions.

With regards to a) Examiner appreciates the interpretation description given by Applicant in response. Applicant discloses "assigning a unique identifier to the record stored at the record collection site", however there are no description or language indicative of limiting the interpretation of these limitations. Therefore, taking into consideration but without drawing limitations from the specification into the claims, the terminology "assigning a unique identifier to the record stored at the record collection site" can be interpreted as (i.e., a unique identifying "exercise identification module", hereinafter referred to as an EIDM, attached to or located in the proximate vicinity of an exercise activity source. The EIDM is unique to the exercise data source it represents and to the facility in which the exercise data source resides. The EIDM is also capable

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of limiting the communication of its exercise data source identification information only to those hand helds authorized for use in the health club facility in which the EIDM resides; [0027]). Simply stated the “**record collection site**” can be reads as the exercise **identification module** (EIDM). The “**unique identifier**” is assigning to each **handheld device**. The handheld device consisted of a data input means, and an EIDM interrogation means used to query the EIDM. During use, the member activates the handheld device which executes an exercise data collection software program loaded into the working memory of the handheld device. When the member selects a piece of exercise equipment or an exercise activity (e.g. weight lifting), the EIDM interrogation means is activated and used to interrogate the EIDM. When the EIDM is identified, the exercise data collection software program automatically executes a software sub-routine specifically designed for the individual and the specific exercise activity source associated with the EIDM. More specifically, the sub-routine presents a data entry page on the display monitor. The data entry page identifies the exercise machine or activity, the type of exercise to be completed, and presents a plurality of prompts requesting specific information from the member regarding the exercise activity performed on the exercise activity data source. The information that is inputted into the handheld device using the input means is directly stored in a temporary member data file on the handheld device or transmitted directly to a permanent member data file stored on a local server located in the health club. If the information is stored in a temporary member data file on the handheld, it is later uploaded to the local server. Each time the member moves to a new exercise data activity source, the EIDM interrogation means

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and the EIDM are used to quickly identify the exercise activity data source and present the proper sub-routine associated with the exercise data activity source; [0027].

With regards to b) Examiner appreciates the interpretation description given by Applicant in response. Applicant discloses "entering the unique identifier in a hierarchical tree structure", however there are no description or language indicative of limiting the interpretation of these limitations. Therefore, taking into consideration but without drawing limitations from the specification into the claims, the terminology "entering the unique identifier in a hierarchical tree structure" can be interpreted as table 41 contains the navigational data and table 42 contains the informational data. An additional field is added to each record in each table. This field is shown in **columns 43 and 44**. A **unique identifier is assigned to each record** in the database... **replacing table 41 by a tree structure 50 as shown in FIG. 2(C)**; [col. 8 lines 2-26]. Simply stated replacing table 41 (e.g., unique identifier) by a tree structure 50 read as "entering the unique identifier in a hierarchical tree structure."

Overall, Examiner respectfully suggests the Applicant to further clarify the independent claims. For example, claim 1 can be interpreted as nothing more than storing data at a central storage site by assigning an ID to the record in a hierarchical structure. If the Applicant has any further question(s) regarding this application, the Applicant is encouraged to contact the Examiner for further clarification.

Status of Claims

3. Claims 1-38 are pending, of which claims 1, 9, 17, 21 and 24 are in independent form. Claims 1-30 are rejected under 35 U.S.C. 103 (a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2004/0198555 A1) in view of Simonetti (US 5,295,261).

6. **Regarding claim 1**, Anderson teaches a computer implemented method for representing records, the method comprising: receiving an order for a transaction at a record collection site (i.e., when the EIDM is interrogated, the exercise data collection software program 35 automatically executes a sub-routine 81-85 designed for the specific exercise activity data source 10 which sub-routine includes a date/clock function that automatically records start and stop times and the elapsed time for the exercise, as well as rest intervals between exercises; [0045]).

Anderson teaches producing a record that represents the transaction at the record collection site (i.e., the sub-routine 81-85 presents one or more data entry pages

60 with a plurality of prompts 61 displayed thereon each designed to sequentially elicit information manually inputted by the member into the handheld device 15; [0045]).

Anderson teaches storing the record in a memory location in a computer readable storage medium at the record collection site (i.e., the exercise information is then stored in a temporary member data file 37 on the handheld device 15; [0045]).

Anderson teaches assigning a unique identifier to the record stored at the record collection site (i.e., the system also includes a unique identifying "exercise identification module", hereinafter referred to as an EIDM; [0027]... The EIDM is a ID tag 40, compatible with the EIDM interrogation means, such as a printed CCD identification label, a barcode, a radio transducer, or magnetic strip or a port connector capable of being detected or interrogated by the EIDM interrogation means; [0047]).

However, Anderson does not explicitly disclose entering the unique identifier in a hierarchical tree structure stored in a computer readable storage medium at the record collection site, wherein the unique identifier comprises information for accessing the record in the memory location and wherein the tree structure comprises a plurality of branches connected by nodes.

Meanwhile, Simonetti teaches storing and retrieving information; [col. 1 lines 9-11]. This is similar to Anderson teaching of a central server where individual exercise records are stored; [0009]. Furthermore, Simonetti teaches entering the unique identifier in a hierarchical tree structure stored in a computer readable storage medium at the record collection site, wherein the unique identifier comprises information for accessing the record in the memory location and wherein the tree structure comprises a plurality of

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branches connected by nodes (i.e., the final step of converting the database consists of replacing table 41 by a tree structure 50 as shown in FIG. 2(C). The nodes in tree structure 50 are divided into sets shown at 51-54. Each set of nodes corresponds to a column in table 41. The nodes in set 51 correspond to the state, those in set 52 correspond to the city, those in set 53 correspond to the street address, and those in set 54 correspond to the unique identifier defined for each record in the original database. Each node in a given set is linked to a node in a set one level higher up in the hierarchy. Hence, there is no need to repeat the redundant data. For example, by traversing the tree from any given city node to the state node to which it is linked, one may ascertain the state in which the city is located; [col. 8 lines 12-26]).

Anderson modified teaches sending the hierarchical tree structure to a central storage site (i.e., the local server 95 is designed to receive uploaded temporary member data files 37 from the handheld device 15, use the fitness tools software program 50 to collect and store the member files in permanent member data file 52, and then use the fitness tools software program 50 to evaluate and present the information in the permanent member data file 52 to the member or authorized individuals; [0048]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Anderson and Simonetti before him/her, to modify the method of Anderson with the teaching of Simonetti to improve record keeping by using hierarchical database. The motivation to combine is apparent in Anderson reference, because of the health club exercise records system in which members to the health club are given a handheld device that is pre-programmed by the

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trainer or health club operator to record different exercise activities; (see Anderson, [Abstract]). This is a tremendously advantageous to Anderson because of the hierarchical database; (see Simonetti, [col. 4 line 44]).

7. **Regarding claim 2**, Anderson teaches using the unique identifier to produce an aggregate report of records collected by the record collection site (i.e., a unique EIDM attached to or located in the vicinity of the exercise activity data source. When the EIDM is interrogated, the exercise data collection software program 35 automatically executes a sub-routine 81-85 designed for the specific exercise activity data source 10 which sub-routine includes a date/clock function that automatically records start and stop times and the elapsed time for the exercise, as well as rest intervals between exercises; [0045]).

Anderson teaches sending the aggregate report to the central storage site (i.e., the inputted exercise activity information is then stored in the temporary member file 37 for later uploading to the central server 95; [0052]).

8. **Regarding claim 3**, Anderson teaches using the unique identifier at the central storage site to access the record stored at the record collection site (i.e., selecting an exercise activity data source each assigned a unique EIDM... loading a fitness tools software program 50 into said server 95, said fitness tools program 50 used to evaluate and review the data in the permanent member file 37 to determine the fitness level of a member and recommend future exercises; [0057]).

9. **Regarding claim 4**, most of the limitations of this claim have been met in the rejection of claim 1 above. Furthermore, Simonetti teaches wherein the unique identifier includes information representing a node located in the hierarchical tree structure (i.e., tree structure 50 may be used to select all informational data records corresponding to a particular query stated in terms of the navigational data. For example, to find all records in which the customer was located in a given city, tree structure 50 is accessed at the city level and the node corresponding to the city in question found. The node is then traced via its links to the unique identifier at level 54. The unique identifiers are then used to access the informational data in table 42; [col. 8 lines 27-35]).

Therefore, the limitations of claim 4 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

10. **Regarding claim 5**, most of the limitations of this claim have been met in the rejection of claim 4 above. Furthermore, Simonetti teaches wherein the node is located in a higher position of the hierarchical tree structure than the unique identifier (i.e., each node in a given set is linked to a node in a set one level higher up in the hierarchy; [col. 8 lines 20-22]).

Therefore, the limitations of claim 5 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

11. **Regarding claim 6**, most of the limitations of this claim have been met in the rejection of claim 2 above. Furthermore, Simonetti teaches wherein using the unique identifier to produce the aggregate report includes counting the unique identifier with a second unique identifier assigned to a second record stored at the record collection site (i.e., The unique identifiers corresponding to the data records satisfying the portion of each query that could be ascertained from each tree structure would be stored in temporary lists. The temporary lists would then be examined entry by entry to determine which entries satisfied the entire query... the storage needed to store this second tree must include enough space to accommodate the complete list of unique identifiers at its leaf nodes; [col. 8 lines 35-68]).

Therefore, the limitations of claim 6 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

12. **Regarding claim 7**, most of the limitations of this claim have been met in the rejection of claim 2 above. Furthermore, Simonetti teaches wherein using the unique identifier to produce an aggregate report includes summing data included in the record accessed by the unique identifier with data included in a second record accessed by a second unique identifier (i.e., if a given city is linked to the state in question, the second link to the distribution center set 61 is examined. If the link in question is the desired distribution center, then all records having unique identifiers coupled to the city node in question are returned. This search requires a computational workload which is proportional to the number of unique cities in the database; [col. 9 lines 37-44]).

Therefore, the limitations of claim 7 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

13. **Regarding claim 8**, most of the limitations of this claim have been met in the rejection of claim 8 above. Furthermore, Simonetti teaches wherein a unique key that includes information representing a second node in the hierarchical tree structure is assigned to a node (i.e., see FIG. 2C-FIG. 3C).

Therefore, the limitations of claim 8 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

14. **Regarding claim 9**, is essentially the same as claim 1 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

15. **Regarding claim 10**, is essentially the same as claim 2 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

16. **Regarding claim 11**, is essentially the same as claim 3 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

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17. **Regarding claim 12**, is essentially the same as claim 4 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

18. **Regarding claim 13**, is essentially the same as claim 5 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

19. **Regarding claim 14**, is essentially the same as claim 6 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

20. **Regarding claim 15**, is essentially the same as claim 7 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

21. **Regarding claim 16**, is essentially the same as claim 8 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

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22. **Regarding claim 17**, is essentially the same as claim 1 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

23. **Regarding claim 18**, is essentially the same as claim 3 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

24. **Regarding claim 19**, is essentially the same as claims 2 and 3 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

25. **Regarding claim 20**, is essentially the same as claim 4 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

26. **Regarding claim 21**, is essentially the same as claim 1 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

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27. **Regarding claim 22**, is essentially the same as claim 2 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

28. **Regarding claim 23**, is essentially the same as claim 4 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

29. **Regarding claim 24**, is essentially the same as claim 1 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

30. **Regarding claim 25**, is essentially the same as claim 2 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

31. **Regarding claim 26**, is essentially the same as claim 3 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

32. **Regarding claim 27**, Anderson teaches wherein assigning a unique identifier to a record stored at a record collection site comprises: producing a record at the record

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collection site (i.e., the sub-routine 81-85 presents one or more data entry pages 60 with a plurality of prompts 61 displayed thereon each designed to sequentially elicit information manually inputted by the member into the handheld device 15; [0045]).

Anderson teaches producing a unique identifier for the record to allow the record to be identified, distinguished and accessed from the record collection site (i.e., loaded into the memory of the handheld device 15 is an exercise data collection software program 35 that activates a built-in exercise identification module interrogation means, referred to as an EIDM interrogation means used to detect a unique EIDM attached to or located in the vicinity of the exercise activity data source; [0045]).

Anderson teaches assigning a unique identifier to the record so that the record is distinguishable from other records produced at the record collection site (i.e., the EIDM is a ID tag 40, compatible with the EIDM interrogation means, such as a printed CCD identification label, a barcode, a radio transducer, or magnetic strip or a port connector capable of being detected or interrogated by the EIDM interrogation means; [0046]).

Simonetti modified teaches entering the unique identifier assigned to the record into a tree structure which is also stored at the record collection site (i.e., the nodes in set 51 correspond to the state, those in set 52 correspond to the city, those in set 53 correspond to the street address, and those in set 54 correspond to the unique identifier defined for each record in the original database. Each node in a given set is linked to a node in a set one level higher up in the hierarchy. Hence, there is no need to repeat the redundant data. For example, by traversing the tree from any given city node to the

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state node to which it is linked, one may ascertain the state in which the city is located; [col. 8 lines 12-26]).

Therefore, the limitations of claim 27 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

33. **Regarding claim 28**, most of the limitations of this claim have been met in the rejection of claim 27 above. Simonetti teaches tree structure identifiers are assigned to similar record types and are grouped together thereby improving accessibility for the stored records (i.e., see FIG. 2C-FIG. 3C).

Therefore, the limitations of claim 28 are rejected in the analysis of claim 27 above, and the claim is rejected on that basis.

34. **Regarding claim 29**, most of the limitations of this claim have been met in the rejection of claim 28 above. Simonetti teaches the tree structure is produced with a database software package capable of storing data in a balanced tree structure (i.e., the nodes in set 51 correspond to the state, those in set 52 correspond to the city, those in set 53 correspond to the street address, and those in set 54 correspond to the unique identifier defined for each record in the original database. Each node in a given set is linked to a node in a set one level higher up in the hierarchy. Hence, there is no need to repeat the redundant data. For example, by traversing the tree from any given city node to the state node to which it is linked, one may ascertain the state in which the city is located; [col. 8 lines 16-26]).

Therefore, the limitations of claim 29 are rejected in the analysis of claim 28 above, and the claim is rejected on that basis.

35. **Regarding claim 30**, is essentially the same as claim 27 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

36. **Regarding claim 31**, is essentially the same as claim 28 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

37. **Regarding claim 32**, is essentially the same as claim 29 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

38. **Regarding claim 33**, is essentially the same as claim 27 and rejected for the same reasons as applied hereinabove.

39. **Regarding claim 34**, is essentially the same as claim 28 and rejected for the same reasons as applied hereinabove.

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40. **Regarding claim 35**, is essentially the same as claim 29 and rejected for the same reasons as applied hereinabove.

41. **Regarding claim 36**, is essentially the same as claim 27 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

42. **Regarding claim 37**, is essentially the same as claim 28 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

43. **Regarding claim 38**, is essentially the same as claim 29 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

Conclusion

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The Examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 21, 2009

Truong Van Vo

/Truong V Vo/
Examiner, Art Unit 2169

/Pierre M. Vital/
Supervisory Patent Examiner, Art Unit 2169